

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DATATERN, INC.,

Plaintiff,

v.

THE ALLSTATE CORPORATION, et al.,

Defendants.

Civil Action No. 2:09-cv-00178-TJW

The Honorable T. John Ward

JURY TRIAL DEMANDED

**JOINT MOTION FOR DISMISSAL OF DEFENDANTS CHEVRON CORPORATION
AND CHEVRON PRODUCTS COMPANY WITHOUT PREJUDICE**

Plaintiff DATATERN, INC. and Defendants CHEVRON CORPORATION and CHEVRON PRODUCTS COMPANY hereby submit and file their Joint Motion to Dismiss without Prejudice, and move the Court for an Order dismissing Plaintiff's claims against Defendants in their entirety without prejudice, with each party to bear its own costs, expenses, and attorneys fees.

Dated: August 26, 2009

Respectfully submitted,

/s/ Michael E. Jones

Michael E. Jones

SBN: 10929400

mikejones@potterminton.com

POTTER MINTON

A Professional Corporation

110 N. College, Suite 500 (75702)

P. O. Box 359

Tyler, Texas 75710

Tel: (903) 597-8311

Fax: (903) 593-0846

Bob Steinberg
bob.steinberg@lw.com
Renny Hwang
renny.hwang@lw.com
LATHAM & WATKINS LLP
355 South Grand Avenue
Los Angeles CA 90071-1560
Tel: (213) 485-1234
Fax: (213) 891-8763

Maximilian A. Grant
max.grant@lw.com
LATHAM & WATKINS LLP
555 Eleventh Street, NW
Suite 1000
Washington DC 20004-1304
Tel: (202) 637-2200
Fax: (202) 637-2201

**ATTORNEYS FOR DEFENDANTS
CHEVRON CORPORATION AND
CHEVRON PRODUCTS COMPANY**

/s/ Marc A. Fenster

(with permission by Michael E. Jones)

Marc A. Fenster
mfenster@raklaw.com
Andrew D. Weiss
aweiss@raklaw.com
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
310/826-7474
Fax: 310/826-6991

Andrew Wesley Spangler
spangler@spanglerlawpc.com
Spangler Law PC
208 N. Green St., Suite 300
Longview, TX 75601
903-753-9300
Fax: 903-553-0403

Patrick Rolf Anderson
patrick@praplhc.com
Patrick R. Anderson, PLLC
4225 Miller Rd., Bldg. B-9, Suite 358
Flint, MI 48507
810-275-0751
Fax: 248-928-9239

**ATTORNEYS FOR PLAINTIFF
DATATERN, INC.**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service and are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on August 26, 2009. Any other counsel of record will be served by first class mail on this same date.

/s/ Michael E. Jones

Michael E. Jones